

agreement with respect to the patentability of claims 16, 17, 20, 21, 22 and 23. Agreement was not reached on claims 18, 19, 24 and 25.

## **II. Claims 16 through 25**

### **A. Claims 16 and 17**

In the first Office Action issued in 1998, claims 16 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Smith (U.S. Patent No. 5,328,450). This rejection has been maintained throughout the prosecution of the application before the U.S. Patent and Trademark Office. The Applicants respectfully traverse the continued rejection.

In the telephone interview, the Applicants' attorney first pointed out that claim 16 read as follows:

"A first substrate web having a first surface upon which is deposited a particulate iodinated resin and particles of a thermoplastic binder fused to both of said particulate resin and said first surface."

Next, the Applicants' attorney discussed with the Examiner the Examiner's conclusion that the absorbent material was analogous to the Applicants' substrate web. While not agreeing with the conclusion, the Applicants' attorney pointed out that even if it were analogous, the Smith reference did not have "a first substrate web having a first surface upon which is deposited a particulate iodinated resin and particles of a thermoplastic binder fused to both of said particulate resin and said first surface." Rather, Smith taught at most that the absorbent material can contain a topically effective medicament such may contain an iodine source. There was no teaching of fusing a thermoplastic binder to the iodinated resin and to the first surface of the substrate web with the goal of coalescing the active particles, such as the iodinated resin, and to adhere them to the web. It is

believed that the Examiner agreed that Smith did not have such teaching and therefore claims 16 and 17 should be allowable in view of Smith.

Accordingly, in view of the telephone discussion of the Smith reference, reconsideration of claims 16 and 17 is respectfully requested. Formal withdrawal of the rejection of these claims under § 102(b) in view of Smith is believed to be warranted.

**B. Claims 18 and 19, 24 and 25**

Claims 18, 19, 24 and 25 were originally rejected under 35 U.S.C. § 102(b) as being anticipated by Korpman (U.S. Patent No. 5,462,538). This rejection has been continued and it is again respectfully traversed by the Applicants.

The Korpman reference was discussed with the Examiner in the Telephone Interview. No agreement was reached in the Interview regarding these claims.

The Korpman reference teaches a technique of spraying a molten thermoplastic pressure sensitive adhesive material to form pressure sensitive adhesive microfibers onto a substrate. The Examiner noted that Korpman immobilized liquid absorbents. However, a careful reading of Korpman indicates that every reference to immobilization of a liquid absorbent in Korpman is done so by a pressure sensitive adhesive. It is respectfully submitted that the immobilization of the absorbents in Korpman is not accomplished by a thermoplastic binder which is fused by heat and pressure to the substrate surface and to particulate carbon (claim 18) or to particulate polymer liquid absorbent (claim 24).

It is respectfully pointed out that the reference to carbon in Korpman (col. 8, lines 11 through 15) in an earlier office action is as a filler, not as an active material for a filter, for example. As taught in Rosen, Fundamental Principles of Polymeric Materials, page 380 (1993) (copy enclosed)

fillers are particulate materials whose major function often is simply to extend the polymer and thereby reduce the cost of the plastic compound. Also, Rosen teaches that fillers may be used to improve certain properties in the compound. The Applicants' particulate carbon in the invention defined by claim 18 is not a filler.

Thus, because Korpman does not have of a thermoplastic binder fused to the carbon or liquid absorbent and the first surface of the web, the Applicants' claim does not read on Korpman and it is not seen how Korpman could therefore anticipate the Applicants' claim. To the extent that the Examiner believed that Korpman renders the Applicant's claimed invention obvious, it is respectfully submitted that there is no teaching in Korpman, nor any other applied reference, to modify Korpman in some way to substitute the pressure sensitive adhesive microfibers with the Applicant's thermoplastic binder particles which are then fused to the particulate carbon or liquid absorbent.

In view of the above remarks, reconsideration of claims 18, 19, 24 and 25 is respectfully requested. Withdrawal of the rejection under 35 U.S.C. § 102(b) is believed to be warranted.

**C. Claims 20 and 21**

Claims 20 and 21 were originally rejected under 35 U.S.C. § 102(b) as being anticipated by Karami (U.S. Patent No. 4,055,184). The original rejection was maintained in the latest office action. The rejection is respectfully traversed.

According to the Examiner in the Office Action, Karami teaches an absorbent pad comprising a facing layer (10), a backing sheet (12), a core body (18) and an admixture (16) of a grafted hydrolyzed polyacrylonitrile copolymer (PAN) and sodium bicarbonate. FIG. 1 illustrates the primary layout of the components. The admixture of PAN and sodium bicarbonate is sprinkled on the facing layer or the backing sheet. See Col. 2. lines 31 through 35.

As pointed out in the Telephone Interview, Karami does not teach fusing thermoplastic binder particles to particulate sodium bicarbonate and to the first surface of the substrate web to coalesce the sodium bicarbonate particles as well as adhere them to the web. It was further pointed out that the PAN and sodium bicarbonate in Karami is believed to be loose and therefore Karami requires that the backing sheet and the facing layer be sealed at the margins to form an envelope to contain the PAN and sodium bicarbonate. It was also pointed out that the Karami enveloping structure is not required by the Applicants' invention because the particulate sodium bicarbonate is adhered to the web by the thermoplastic binder fusing as defined in the claims. Also, the Examiner is reminded that the Applicants' second substrate layer, claimed dependently in claim 21, is merely optional.

In the Telephone Interview agreement was reached with the Examiner that Karami did not teach fusing a thermoplastic binder to the sodium bicarbonate particulate and the surface of the substrate web. Accordingly, it is respectfully requested that the rejection of claims 20 and 21 in view of Karami be formally withdrawn.

**D. Claims 22 and 23**

Claims 22 and 23 were originally rejected under 35 U.S.C. § 102(b) as being anticipated by Nishizawa (U.S. Patent No. 4,626,252). The rejection was maintained in the Final Action. The rejection is respectfully traversed.

In the Telephone Interview, the Applicants' attorney pointed out that the teachings of Nishizawa appear to be similar in some respects to Karami. Nishizawa shows the same basic structure, a liquid-permeable sheet (3), a backing layer or sheet (1) and an absorbent layer (2) in between which is enveloped by the liquid-permeable sheet and the backing layer. It was also pointed out that Nishizawa teaches that the backing sheet is formed from a polyolefin resin which also

contains a filler and a liquid or waxlike hydrocarbon polymer. The listed fillers include magnesium oxide, not manganese oxide. To expand further on the telephone discussion with the Examiner, as taught in Rosen, Fundamental Principles of Polymeric Materials, page 380 (1993) fillers are particulate materials whose major function often is simply to extend the polymer and thereby reduce the cost of the plastic compound. Also, Rosen teaches that fillers may be used to improve certain properties in the compound. It is believed that the use of fillers by Nishizawa is primarily to improve the properties of the polymeric film. The filler is not an active agent particle, such as manganese oxide, and it is not coalesced and adhered to a substrate web by fusing with a thermoplastic binder. It is believed that the Examiner understood this and agreed that Nishizawa does not teach fusing the thermoplastic binder to the substrate web and the manganese oxide particles.

Thus, because it was shown that Nishizawa lacks an essential element required in claims 22 and 23, namely the fusing of the thermoplastic binder to the manganese oxide particles and the first surface of the substrate web, the Applicants' attorney and the Examiner reached an agreement that claims 22 and 23 were patentable over Nishizawa. Formal withdrawal of the rejection is believed to be warranted.

### **III. New Claims 44 Through 48**

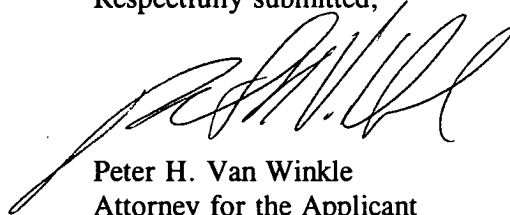
New claims 44 through 48 have been added to the application to cover specific embodiments of the applicants' invention as described in the Examples in the specification. Support for these new claims are found on pages 4 through 7 of the specification. These claims were briefly discussed in the Telephone Interview but no decision was made regarding the patentability thereof. These claims are believed to be distinguishable from each of the references previously applied by the Examiner for the same reasons that the other claims are distinguishable.

#### IV. Conclusion

In summary, the Applicants' attorney appreciates the Telephone Interview with the Examiner. It is believed that progress was made to resolve some of the outstanding issues. In light of the Telephone Interview, it is believed that an agreement that claims 16, 17, 20, 21, 22 and 23 of the application are distinguishable from the applied references was reached with the Examiner and therefore such claims are believed to be in condition for allowance. Formal allowance of such claims is earnestly solicited. The remaining claims are also believed to be allowable for the reasons set forth herein. Allowance of such claims is also earnestly solicited.

If any questions remain following a review of this paper, the Examiner is invited to call the Applicant's attorney to discuss such questions. The fees associated with this paper have been submitted by a check. However, if should be determined that there is a fee deficiency, the Commissioner is authorized to charge our Deposit Account No. 23-0442.

Respectfully submitted,



Peter H. Van Winkle  
Attorney for the Applicant  
Registration No. 36,039

Dated: May 5, 1999

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
(203) 261-1234  
USPTO Customer No. 004955